

UNITED STATES DISTRICT COURT
DISTRICT OF MINNESOTA

Juan Jiminez; and Josefina Jiminez,

Civil File No. 08-CV-0901

Plaintiffs,

V.

Mortgage Electronic Registration Systems, Inc.; First Franklin Financial Corporation; Deutsche Bank National Trust Company; and Universal Mortgage, Inc., and Does 1 and 2,

Defendants.

AFFIDAVIT OF MARNE K. MITSKOG
IN SUPPORT OF DEFENDANT
FIRST FRANKLIN
FINANCIAL CORPORATION'S
MOTION TO DISMISS

STATE OF MINNESOTA)
) ss.
COUNTY OF HENNEPIN)

I, MARNE K. MITSKOG, being duly sworn, state as follows:

1. I am an associate at the law firm of Dorsey & Whitney LLP and one of the attorneys representing Defendant First Franklin Financial Corporation (“First Franklin”) in the above- referenced matter.

2. I submit this affidavit, which is based on personal knowledge and a review of the files, in support of First Franklin's Motion to Dismiss.

3. First Franklin was, at the time of the origination of the mortgage loan, a Division of National City Bank, a National Bank subject to the National Bank Act, 12 U.S.C.S. § 1 et seq., and regulated by the Office of the Comptroller of the Currency.

4. Attached hereto as Exhibit A is a true and correct copy of a Mortgage Broker Agreement between First Franklin and Universal Mortgage, Inc. (“Universal”) dated February 15, 2005.

5. Attached hereto as Exhibit B is a true and correct copy of a Loan Submission Form that Universal submitted to First Franklin requesting a mortgage loan for Plaintiffs in the amount of \$175,000 dated September 8, 2006.

6. Attached hereto as Exhibit C is a true and correct copy of American Dream Appraisals invoice and appraisal dated August 30, 2006.

7. Attached hereto as Exhibit D are true and correct copies of a Prepayment Rider dated September 18, 2006.

8. Attached hereto as Exhibit E is a true and correct copy of the Jiminez HUD-1 Settlement Statement dated September 18, 2006.

9. Attached hereto as Exhibit F is a true and correct copy of a Federal Truth-in-Lending Disclosure Statement (“TILA Disclosure”) dated September 8, 2006.

10. Attached hereto as Exhibit G are a true and correct copies of the Notice of Right to Cancel dated September 18, 2006.

11. Attached hereto as Exhibit H is a true and correct copy of the Itemization of Amount Financed sheet dated September 18, 2006.

12. Attached hereto as Exhibit I is a true and correct copy of the Mortgage dated September 18, 2006, and which was recorded in Meeker County, Minnesota on September 28, 2006.

13. Attached hereto as Exhibit J is a true and correct copy of the Note dated September 18, 2006.

FURTHER AFFIANT SAYETH NOT.

Subscribed and sworn to before me
this 23rd day of June, 2008.

By s/Marne K. Mitskog
Marne K. Mitskog

s/Cassie D. Buresh
Notary Public